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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,299	12/01/2003	Werner Beck	P02,0628-01	2868

7590 04/05/2007
SCHIFF HARDIN & WAITE
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, IL 60606

EXAMINER

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/725,299	Applicant(s) BECK ET AL.	
	Examiner Jeff Piziali	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/15/04, 3/27/06, and 12/1/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are between the "operating values" in line 2 and the "operating values" in line 4; as well as between the "parameters" in line 2 and the "parameters" in line 4. It would be unclear to one having ordinary skill in the art whether the preset "operating values" and "parameters" are the same as the manually set "operating values" and "parameters;" or whether instead there are two separate and distinct sets of "operating values" and "parameters" being claimed.

4. Claims 2-7 are rejected under 35 U.S.C. 112, second paragraph, as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Nokita (US 6,795,528 B2).

Regarding claim 1, Nokita discloses an operating device [Fig. 1; 220] for a diagnostic imaging unit [Fig. 1; 140] (see Column 3, Line 50 - Column 4, Line 53), comprising: a selection key [Figs. 8AB; 840] for activating preset operating values and parameters [Figs. 8AB; 835] of the imaging unit; a setting key [Fig. 8C; up and down buttons] for manually setting operating values and parameters [Fig. 8C; tube voltage, tube current, exposure time, focal length] of the imaging unit; and a display element [i.e., liquid crystal display] for displaying set or preset operating values and parameters of the imaging unit; the operating device being configured to simultaneously display the display element and only one of the selection key and the setting key (see Figs. 8ABC; Column 10, Line 3 - Column 11, Line 9).

Regarding claim 2, Nokita discloses the operating device is designed as a touch-sensitive display screen [Figs. 8ABC; 810] (see Column 10, Lines 6-16).

Regarding claim 3, Nokita discloses a display area for displaying the display element (see Figs. 8ABC; Column 10, Lines 6-26).

Regarding claim 4, Nokita discloses an operating area for making available the selection key or the setting key (see Figs. 8ABC; Column 10, Lines 6-26).

Regarding claim 5, Nokita discloses a switchover key [Figs. 8AB; 850] configured to switch between a display of the selection key and the setting key (see Column 10, Lines 52-65).

Regarding claim 6, Nokita discloses a recording key [Fig. 1; 210] for triggering picture-taking that is made available both simultaneously with the selection key and simultaneously with the setting key (see Column 4, Lines 16-30 and Column 10, Lines 46-51).

Regarding claim 7, Nokita discloses the diagnostic imaging unit is an X-ray machine (see Column 3, Lines 50-54).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawanabe (US 7,139,368 B2), Alpert et al (US 7,134,994 B2), Sako (US 7,119,841 B1), Sugihara et al (US 6,990,170 B2), Maruyama (US 6,827,684 B2), Matsui et al (US 6,458,081 B1), Suzuki (US 6,363,134 B1), Haumann et al (US 6,285,742 B1), Ono (US 6,088,425 A), Raines (US 6,017,307 A), Kitade et al (US 5,809,106 A), Sauer et al (US

Art Unit: 2629

5,394,871 A), Yamada et al (US 5,235,510 A), Katsumata (US 5,018,178 A), Cecil et al (US 4,991,193 A), Codina et al (US 4,170,735 A), and Daniels et al (US 4,160,906 A) are cited to further evidence the state of the art pertaining to operating devices for diagnostic imaging units.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeff Piziali
30 March 2007